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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twentieth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)*
OF THE 20th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 7 May 1999, at 3 p.m.

Chairperson: Mrs. BONOAN-DANDAN

CONTENTS

SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Briefing by the Research and Right to Development Branch of the Office of the High Commissioner for Human Rights on the United Nations Development Assistance Framework process

* The summary record of the second part (closed) of the meeting appears as document E/C.12/1999/SR.20/Add.1.

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The meeting was called to order at 3.05 p.m.

SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 7)

Briefing by the Research and Right to Development Branch of the Office of the High Commissioner for Human Rights on the United Nations Development Assistance Framework process (in-session documents with no symbols containing guidelines on the United Nations Development Assistance Framework (UNDAF) and the Common Country Assessment (CCA))

1. The CHAIRPERSON introduced and welcomed Mr. Pierre Sob and Ms. Sylvia Saddier of the Research and Right to Development Branch (RRDB), part of the Office of the High Commissioner for Human Rights (OHCHR), who would address the Committee on the United Nations Development Assistance Framework (UNDAF) process.

2. Mr. SOB explained that the initiative, promoted by the Secretary-General as part of his reform package, had established four executive committees dealing with peace and security, humanitarian affairs, economic and social affairs and development respectively.

3. Ms. SADDIER said that the UNDAF had been designed as a common programme and resources framework for all members of the United Nations Development Group (UNDG), including the Office of the High Commissioner for Human Rights (OHCHR). While all UNDG members, when present in a particular country, were expected to participate in a UNDAF involving that country, specialized agencies and international financial institutions could help prepare and even sign the UNDAF document and participate in its implementation. The decision to prepare a UNDAF lay with the Country Team, headed by a Resident Coordinator. Traditionally Resident Coordinators had been United Nations Development Programme representatives, but in the context of the reform process they were being drawn from other parts of the system. The Resident Coordinator ensured that the concerns of agencies not represented in a country were reflected in the UNDAF document, in response to a request by OHCHR, which had felt that it should be approached for information on specific human rights issues.

4. The UNDAF, prepared in 10 stages, drew upon the Country Strategic Note, which was drafted by Governments and outlined countries' development priorities, and the Common Country Assessment, which listed development indicators, in order to arrive at a global picture of the development situation in a given country. An assessment workshop, attended by United Nations agencies and Country Team representatives, had been held at the end of the pilot phase and the decision had been taken to amend the provisional UNDAF guidelines. Following the High Commissioner for Human Rights' address to the Executive Committee of the UNDG in February 1998, an ad hoc Group on the Right to Development, chaired by the OHCHR, had been instituted. It had been mandated to set up a matrix outlining specific human rights goals for the UNDG and to draft a training module for staff at headquarters and in the field.

5. Considering that the human rights language incorporated in the UNDAF guidelines was not sufficiently substantive, the OHCHR had requested a clear reference to the six main human rights instruments, including the conclusions and recommendations adopted by the six treaty bodies. Annex A of the Common Country Assessment (CCA) guidelines provided indicators based on the goals of the global conferences of the 1990s, including the Vienna Declaration and Programme of Action. Most of the goals related to economic, social and cultural rights had been covered by other UNDG members, and it only remained to translate those goals into human rights issues. However, civil and political rights had been omitted. After fighting long and hard, the OHCHR had managed to convince the other agencies to accept, for inclusion in the annex, indicators on democracy and participation, administration of justice and security of the person. As a result, all human rights would be assessed and included in the framework. In the pilot phase, the UNDG had provided for resource persons and facilitators to visit countries. The OHCHR was preparing a project to ensure that a human rights resource person was allowed to visit Country Teams in order to offer support in the area of human rights.

6. The CHAIRPERSON pointed out that, although it had been said that it only remained for economic, social and cultural rights to be translated into human rights language, the annex in question did make reference to civil and political rights. Furthermore, what guarantee was there that indicators would be effective in assessing specific economic, social and cultural rights?

7. Ms. SADDIER replied that there was no guarantee, but that the OHCHR, at headquarters or in the field, would ensure that indicators listed in the Common Country Assessment would be translated into human rights priorities. For example, if it had been indicated that a particular country lacked adequate sanitation or that a high percentage of its inhabitants lived below the poverty line, the OHCHR could point out that article 11 of the Covenant was being infringed. That was precisely why training modules were needed. Staff in other agencies were not sufficiently acquainted with human rights and did not realize that the issues they were dealing with were not just about human needs but also about human rights.

8. Mr. SOB, agreeing with Ms. Saddier, said that the use of indicators and benchmarks was not just a matter of ensuring that rights were implemented but also that they contained a procedural aspect. One of the aims of the Secretary-General's reform package was to be able to evaluate Country Teams using a results-based approach, which would be facilitated by indicators. Indicators would also assist countries and United Nations bodies in assessing a country's reporting procedures. For example, the country in question would have to demonstrate how a particular law had been implemented, based on previously set indicators. Lastly, indicators would provide a more objective criterion for evaluating technical cooperation projects.

9. Mr. RIEDEL said that the guidelines would be very helpful to the Committee, as it was hoping to include more evaluative indicators, expressed in human rights language, in its General Comments. However, those indicators required factual bases. Referring to the Common Country Assessment guidelines, he said that, among the large number of existing indicators, key indicators would have to be selected and among those, the ones which would be translated into human rights language. He remarked that the indicators

mentioned in the document differed from what were normally considered to be factual indicators. He expressed doubt as to whether the OHCHR's approach was viable but had no alternative to propose himself. There was an ongoing discussion in the Committee about Governments setting themselves goals in the form of national indicators. However, there had to be benchmarks or yardsticks against which such indicators could be measured. That was why there was need for a great deal of coordination, since it was not always sure that problems could be overcome by simply looking at the facts properly, arriving at the right conclusions and couching them in human rights language. Indicators were essentially evaluative.

10. Mr. HUNT, describing the initiative as ground-breaking, said that it would prove extremely useful both for the Committee and for the aims of the Covenant. However, he stressed the need for the Committee to be informed on a regular basis about further developments. If the Committee's Concluding Observations were to be included in Common Country Assessments and the United Nations Development Assistance Framework, then the Committee needed to be actively involved.

11. Mr. ANTANOVICH agreed with Mr. Hunt that the initiative represented a healthy approach. However, he questioned whether the right to development embraced all other rights, as the emphasis would differ from country to country. He pointed out that technical cooperation assessments were increasingly taking a more regional approach to human rights.

12. Ms. SADDIER said that all treaty bodies had a role to play in establishing human rights indicators. As for the role of the Committee on Economic, Social and Cultural Rights in the CCA and UNDAF, it could supply its recommendations on a particular country as soon as it was aware that the country was involved in a UNDAF.

13. Mr. SOB, in answer to Mr. Hunt's question concerning the Committee's role, said the OHCHR would welcome the Committee's input in evaluating countries involved in the Global Sustainable Development Facility (GSDF). The GSDF, initiated by the United Nations Development Programme, was a joint initiative with the private sector to validate projects undertaken by multinational companies. The validation was to be accomplished through the inclusion of by non-productive components to enhance the social development of the place where the company was investing. At a recent meeting with such companies, the OHCHR had been requested to provide insight concerning the human rights obligations of companies investing extraterritorially, to provide assistance in analysing international labour standards and to advise on the inclusion of legislation on environmental awareness. The Committee's assistance would also be appreciated in relation to the Comprehensive Development Framework, a World Bank initiative that was similar to the UNDAF. He also reminded the Committee that it had the right to request the High Commissioner's involvement whenever issues concerning economic, social and cultural rights arose, especially as the Covenant would not have foreseen certain recent developments.

14. As to Mr. Antanovich's question, it could be said that there was no regional approach to human rights, since the UNDAF had been set up precisely to put an end to the United Nations disparate approach at the country level.

Working as a group also provided the advantage of economies of scale by effectively reducing spending margins. That was of particular importance at a time when the United Nations system was experiencing serious financial difficulties. Additionally, the OHCHR had been approaching various persons and bodies with respect to the right to development. In that connection, the High Commissioner had convened a meeting for end-May 1999 with certain "eminent persons" to discuss how they viewed her approach to the right to development and how they could offer guidance as to the international community's interpretation of effective implementation of that right.

15. Ms. SADDIER said that although the regional approach was not a part of UNDAF's global strategy, the High Commissioner herself was keen on a regional approach, as evidenced by the annual Asian regional workshop.

16. The CHAIRPERSON thanked Ms. Saddier and Mr. Sob for taking the time to explain the UNDAF guidelines to the Committee and said that the Committee looked forward to continued cooperation between the two bodies.

The public part of the meeting rose at 3.45 p.m.